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I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF BRETT KAVANAUGH

Mr. ALEXANDER. Madam President, the Senate has developed a bad habit. That bad habit is treating Presidential nominees as innocent until nominated. I hope to see better behavior during the next few weeks as the Senate begins hearings on President Trump's nomination of Judge Kavanaugh to be a member of the U.S. Supreme Court. Instead of treating Judge Kavanaugh as someone recently released from San Quentin prison, I hope we treat him with dignity and respect so Americans can better understand his temperament, his intelligence, and his character. That is what we should want to know about a Presidential nominee for the Supreme Court.

The current rudeness is a recent phenomenon. Historically, Senators have recognized that bipartisan approval of qualified nominees helps improve the esteem of the Court. It confirms its impartiality. It strengthens it as an institution. For example, conservative Justice Antonin Scalia was confirmed unanimously by this body even though he was perhaps the most conservative Justice on the Court. On the other hand, Justice Ruth Bader Ginsburg was confirmed with only three votes against her even though she may arguably be the most liberal Justice on the Court. Both were obviously well qualified, of good character, high intelligence, and good demeanor, and therefore the Senate—unanimously in one case and with only three “no” votes in the other case—confirmed the President's nominees.

More recently, half the Democratic Senators voted to confirm President Bush's nominee Chief Justice John Roberts. In 2014, I voted to confirm President Obama's nominee, Sonia Sotomayor, not because I agreed with her but because I thought she was obviously well qualified for the position.

Some Senators insist that Judge Kavanaugh should tell them how he might decide a case. That reminds me of a story from Senator Howard Baker, the former majority leader of the U.S. Senate, who was a practicing lawyer in the mountains. He said he was once before a mountain judge who told the lawyers right before the case: “Boys, just give me a little bit on the law. I had a telephone call last night, and I pretty well know the facts.” Judges aren't supposed to decide a case in advance. That is why we have judges—to create an impartial judicial system.

Justice Ginsburg said during her confirmation that she would give “no

hints, no forecasts, no previews” of what her legal views might be if she were to be confirmed. This rule is now known as the Ginsburg rule. Justices are supposed to follow the law and decide cases when the cases are presented, not before Justices are confirmed or while they are being confirmed.

Of course, a Justice's opinions and decisions can be surprising. That has been true throughout the history of the Supreme Court. President Franklin D. Roosevelt was often surprised by Justice Felix Frankfurter. Justice Scalia once ruled that a government ban on flag-burning violated the First Amendment. Scalia also said that “the judge who always likes the results he reaches is a bad judge.”

In 2006, I voted for Judge Kavanaugh when he was President George W. Bush's nominee for the U.S. Court of Appeals for the District of Columbia Circuit.

Last month, I attended President Trump's nomination of Judge Kavanaugh at the White House. It is said that you only get one chance to make a first impression, and Judge Kavanaugh certainly took advantage of his one opportunity that night.

I was again impressed with Judge Kavanaugh when I visited with him in my office a few weeks ago. We discussed federalism, how to strengthen the Supreme Court as an institution, and other matters. Never once did I ask him how he might vote on a particular case.

I will not announce how I will vote on his nomination until the hearings are complete. Some Democratic Senators have already announced their opposition to Judge Kavanaugh. I wonder, why have a hearing? Why ask for more records to examine if you have already decided how you are going to vote?

During my 8 years as Governor of Tennessee, I appointed probably 50 judges. In doing so, I looked for the same qualities I will look for in considering the nomination of Judge Kavanaugh: intelligence, character, temperament, respect for the law, and respect for those who come before the Court. I did not ask one applicant to be a Tennessee judge, of that entire 50, how he or she might rule on abortion or immigration or taxation. And political party membership was far down my list of considerations when I had the job, as the chief executive of a State, of appointing judges.

I hope the Senate will return to the practice of inquiring diligently about the qualifications of a nominee, about intelligence, about character, about temperament, and get away from this bad habit of treating Presidential nominees for the Supreme Court as if they had just been released from San Quentin and as if they were innocent until nominated.

I thank the President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KENNEDY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3829

Mr. ENZI. Mr. President, I rise to offer an amendment aimed at helping to ensure the integrity of the budget enforcement process in future years. Before I do so, I would like to again acknowledge the hard work the Appropriations Committee has put into the fiscal year 2019 spending bills.

We have made significant progress so far this year, particularly considering that this is the first Labor, Health and Human Services, and Education appropriations bill to be brought to the Senate floor for amendment in nearly 11 years. I commend the committee and its leaders for their efforts and the spirit of cooperation that has made this feat possible.

As it stands now, this appropriations bill is subject to a point of order under section 314 of S. Con. Res. 70, the fiscal year 2009 budget resolution authored by former Democratic Senator and Budget Committee chairman Kent Conrad. That point of order aims to prevent mandatory spending increases on appropriations bills. My amendment remedies this violation while maintaining the proposed increase to the maximum award.

The amendment I am offering relates to the budgetary effects of the substitute amendment's proposed increase to the maximum discretionary Pell Grant award for the award year 2019–2020.

If anybody has been able to follow that so far, you ought to be on the Budget Committee. Now I am going to give a lot more detail that will be equally as difficult, because it needs to be a part of the record to show why we need the amendment that I am talking about in order to avoid a point of order and to get the increase for this year that is being requested.

As former chairman of the HELP Committee, I understand how important Pell Grants are in making college more affordable and accessible, especially for students from my home State of Wyoming. That is why I want to be very clear that my amendment would not cut Pell Grant funding for the 2019–2020 award year or prevent future increases in the maximum annual award. My amendment simply deals with how we account for such increases in the Federal ledger.

First, a little background may be helpful on the Pell Grant program, which has one of the most complicated funding profiles in the entire Federal budget. The Pell Grant program is funded by a mix of annual discretionary appropriations, a so-called mandatory add-on award, and a permanent mandatory funding stream. My

amendment deals with the interaction between the discretionary and the mandatory add-on funding streams.

Each year, the Appropriations Committee includes a provision in the Department of Education spending bill specifying the maximum discretionary Pell Grant award for the upcoming award year. The substitute amendment would increase that maximum award for the award year 2019–2020 by \$100 to \$5,135. CBO estimates that this change, which follows a \$175 increase to the maximum award provided in fiscal year 2018, will increase mandatory spending on the add-on by \$39 million in fiscal year 2019. It is pretty complicated. There are a lot of dollars, a lot of different places.

Even though the substitute specifies the maximum discretionary award is \$5,135 for award year 2019–2020, under scoring rules—that is how we keep track of how much money we are going to owe—the CBO has to assume this maximum award extends through 2028. That means the \$39 million annual mandatory cost of this provision also extends through 2028, giving it a 10-year score of \$390 million. The substitute amendment includes an offset for the \$39 million cost in the first year but leaves the remaining \$351 million in mandatory spending scored to the fiscal year 2019 bill unpaid for. Again, under scoring rules, once that \$350 million in estimated future spending is incorporated into the baseline, it will not be subject to budget enforcement in future years and will never need to be paid for. That is a problem we face regularly around here, and this is the problem my amendment aims to address.

My amendment would maintain the maximum discretionary award for 2019–2020 to \$5,135, preserving the \$100 increase proposed by the Appropriations Committee, while it would prevent the estimated \$351 million increase in estimated future year spending from being rolled into the baseline where it could escape enforcement or even notice in future years. It would require Congress to offset future mandatory spending increases just as the substitute amendment would do for the first year. If we can do it now, we should be able to do it in the future.

Let me repeat. My amendment would not reduce the maximum Pell grant for the 2019–2020 award year or prevent future increases to the maximum award. In fact, it would maintain the proposed increase to the maximum Pell grant for the 2019–2020 award year.

Let me repeat. As it now stands, this appropriations bill is subject to a point of order under section 314 of S. Con. Res. 70 of the fiscal year 2009 budget resolution, which was authored by former Democratic Senator and Budget Committee Chairman Kent Conrad and passed. That point of order aims to prevent mandatory spending increases on appropriations bills. My amendment remedies this violation while maintaining the proposed increase to the maximum award.

This is just a good-government amendment, and I urge my colleagues to support it. Let's not be spending into the future until we know where the money is coming from. Let's go ahead and make the award for this year, and let's find a way to pay for it next year.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BLUNT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUNT. Mr. President, this is the first time in 11 years that the chairman of the Labor, Health and Human Services, and Education Subcommittee has had a chance to stand on the floor and present a bill. It is a subcommittee that I am honored to chair. As a subcommittee member, I am honored to get to serve on that committee with the Presiding Officer. It is a subcommittee that is led on the other side by Senator MURRAY from Washington, the ranking member on this committee.

This is not a bill that either Senator MURRAY nor I would have drafted on our own, but our job was not to draft a bill that I thought was the perfect bill for me to vote for or the perfect way for all of these agencies to be run. There is a reason that this bill has not been on the floor in 11 years. It is big. It is complex. It can be contentious. But Senator SHELBY, the chairman of the full committee, and Senator LEAHY, the lead Democrat on the full committee, have made an incredible, good-faith effort to come to the floor with a bill that focuses on how we spend the money.

There is not much new in this bill about all of the things we could try to determine about social policy and about issues that all of us feel strongly about, but there are other committees whose principal job is to do that. Our committee's principal job is to decide how we establish the priorities for the country and how we spend the money.

Senator MCCONNELL and Senator SCHUMER have also both had to agree that if we are going to get these appropriations bills on the floor, if we are going to have all of the Members of the Senate—for the first time, in the case of this bill—get a chance to debate this bill for the first time in 11 years, that is not going to happen if we try to have a big authorizing bill and a big appropriating bill all wrapped into one.

I see the ranking member has come to the floor right after I praised him and Senator SHELBY for the unique leadership they have had that has allowed us to get this bill on the floor.

This bill deals with everything from medical research to home energy assistance, to employment opportunities, training programs, and Pell grants for

people who are trying to go to college who don't have the resources that would allow them to do that otherwise. It is the largest of the nondefense discretionary bills. About 30 percent of all of the nondefense spending is in this one bill.

We take that bill and add it to the defense spending bill, and suddenly we are looking at roughly 62 percent of all of the spending of the Federal Government. That still sounds like a pretty big bill, but it is the first time in the case of the Labor, Health, Human Services, and Education Subcommittee—and then we have that unique add-on, “and Related Agencies,” just to get the footprint even a little bigger—in over a decade that Members have been able to come to the floor and say: No, we would like you to spend the money here rather than here.

By the way, as the Presiding Officer understands, to do that, that Member also has to say: Here is where we are going to take the money from to pay for it.

So it is not just on the floor and you get to make up all of the spending you want to that those of us on the appropriating committee didn't have a chance to do. There is still a finite amount of money.

So for the Presiding Officer's amendment, the Kennedy amendment, which will be offered right after we finish this morning's discussion and go to votes, he had to come up with an amount of money to pay for that.

I am fully supportive of the amendment that he and Senator REED came up with to deal with the pressing issue of suicide prevention and the disturbing suicide rates. In my State of Missouri, suicide rates have increased by 36 percent above where they were in the year 2000—a 36-percent increase. Too many of those are our veterans. Too many of those are people who serve on the frontlines of homeland security, police, and veterans. All of that is something we need to look at. Here is the Presiding Officer's opportunity, which he took, to say: No, I think there is a better way to spend some of this money than how the committee spends it. That is what we missed for the last 11 years, when 69 of the Senators didn't have any say as to what the 31 of us who serve on the Appropriations Committee need to debate and talk about.

So we now bring this bill to the floor. There were 6,164 ideas that came to Senator MURRAY and me—6,164 Member requests of ideas as to how this could be the best possible bill. I think most of those are reflected in what we did.

In this bill, we talk about fighting the opioid epidemic. We talk about promoting college affordability, strengthening the workforce, and having people better prepared for the jobs that are out there to be filled than they would otherwise see.

Now, both sides would approach drafting this bill differently. We would both start out with some significantly different sets of priorities. We have